

REMARKS

This is intended as a full and complete response to the Final Office Action dated November 14, 2007, having a shortened statutory period for response set to expire on February 14, 2008. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-12, 15-19, 24-35 and 38-43 are pending in the application. Claims 1-3, 5-11, and 17-19 remain pending following entry of this response. Claims 4, 12, 15, 16, 24-35 and 38-43 have been canceled. Claim 1 has been amended. Applicants submit that the amendment does not introduce new subject matter.

Interview Summary

On January 18, 2008, a telephonic interview was held between Gero G. McClellan, attorney of record, the assistant Examiner and the Supervisory Examiner. The parties discussed the finality of the rejection and the restricted claims. Agreement was reached that the finality of the rejection appeared to be proper. The restriction election made by the Applicant was confirmed.

Claim Objections

Claims 4, 12, 15, 16, 27 and 35 are objected to because of the following informalities:

“Claims 4, 12, 15, 16, 27 and 35 have been withdrawn due to elections as direct in the last office action June 4, 2007.”

Applicants have canceled claims 4, 12, 15, 16, 27 and 35.

Claim Rejections - 35 U.S.C. § 112

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner takes the position that “and responsive to the pointer element” is confusing. However, when taken in context of the entire claim limitation, the meaning is clear: “invoking a second hover element for display on the display screen after invoking the first hover element, and responsive to the pointer element continuing to be positioned over the user interface element.” The invoking of the second hover element is clearly what is “responsive.” Nevertheless, for purposes of moving prosecution forward, Applicants have amended claim 1 to recite: “wherein invoking the second hover element is responsive to the pointer element continuing to be positioned over the user interface element...” Because the amendment only makes explicit what was already implicit Applicants submit that no further searching or consideration is required. Further, because the amendment does not change the scope of the claim Applicants submit that they are entitled to a full range of equivalents.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 1-3, 5-11, 17-19, 24-26, 28-34 and 38-43 are rejected under 35 U.S.C. 102(b) as being anticipated by *Clark et al.* (U.S. Patent No. 5,995,101, hereinafter, “*Clark*”).

As an initial matter, Applicants point out that claims 24-26, 28-34 and 38-43 have been canceled without prejudice. Further, claim 1 has been amended. *Clark* does not disclose the claims as amended. Specifically, *Clark* does not teach “wherein at least one of the first hover element and the second hover element comprises at least one indication of an action to be performed by a user to cause execution of an associated operation.” An illustrative, but not limiting, example of such an embodiment is shown in Figure 5.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Gero McClellan, attorney of record, at (336) 643-3065, to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. McClellan, Reg. No. 44,227/

Gero G. McClellan
Registration No. 44,227
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicants